

MAY 24 2018

CLERK, U.S. DISTRICT COURT
NORFOLK, VAIN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
NEWPORT NEWS DIVISION

OCEANSTAR MARITIME CO.,

Plaintiff,

v.

NORVIC SHIPPING INTERNATIONAL
LTD. and NORVIC SHIPPING NORTH
AMERICA INC.,

Defendants.

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§CIVIL ACTION NO. 2:18cv275

IN ADMIRALTY

~~PROPOSED~~ ORDER AUTHORIZING
ISSUANCE OF PROCESS OF
MARITIME ATTACHMENT AND
GARNISHMENT

Having reviewed and considered the Motion for Issuance of Process of Maritime Attachment and Garnishment of Plaintiff, OCEANSTAR MARITIME CO., and Plaintiff's Verified Complaint, together with the Attorney Declaration that Defendants cannot be found in the District, and finding that the conditions of Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure appear to exist, the Court hereby:

ORDERS the Clerk to issue Process of Maritime Attachment and Garnishment as prayed for in the Verified Complaint against all property, tangible or intangible, belonging to Defendants NORVIC SHIPPING INTERNATIONAL LTD. and NORVIC SHIPPING NORTH AMERICA INC., to wit: bunkers onboard the M/V JING JIN HAI, IMO Number 9747546, which is currently located within the Eastern District of Virginia, in an amount up to **USD 798,072.78** pursuant to Supplemental Rule B; and

ORDERS that the Clerk of the Court shall issue further, supplementary writs of maritime attachment and garnishment, on request of the Plaintiff and without further Order of the Court; and

ORDERS that the United States Marshal and/or any Substitute Custodian, which is subsequently appointed by this Court, is authorized to allow the M/V JING JIN HAI to conduct normal cargo operations, both discharging and loading, repair works, and to shift berths (consistent with the U.S. Marshal's requirements), always remaining within this judicial district, and always at the risk and expense of the vessel's interests; and

ORDERS that a copy of this Order be attached to and served with the said Process of Maritime Attachment and Garnishment.

ORDERS that the U.S. Marshal is released and held harmless for any and all costs, fees, liabilities, or other expenses in any way arising out of the attachment of the M/V JING JIN HAI; and

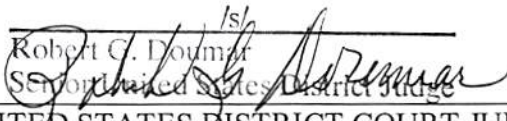
ORDERS that the charges and expenses incurred by the U.S. Marshal shall be deemed *in custodia legis*, and will be paid from the proceeds of the vessel's sale unless otherwise agreed. If a written objection is timely filed, payment of the disputed charges only shall be made after the objection is resolved by agreement of the parties or by Court Order. Payment of the undisputed charges shall not be affected; and

ORDERS that any property of the Defendants, specifically the bunkers on board the M/V JING JIN HAI, as well as any tangible or intangible property of Defendants in the possession of its steamship agents, may be released from attachment without further order of this Court, if the U.S. Marshal receives written authorization to do so from the attorney who requested the attachment and garnishment, stating that he has conferred with all attorneys representing parties to the litigation, and they consent to the request for the release, and also provided that the Court has not entered any subsequent orders modifying this arrangement for the release of the property

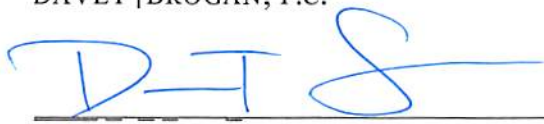
which was attached pursuant to this Order; and Plaintiff shall hold harmless and indemnify the United States of America, the United States Marshal, their agents, servants, employees, from any and all claims arising from the attachment and release of the vessel as is herein specifically provided; and

ORDERS that any person claiming an interest in the property attached or garnished pursuant to order upon application of the Court, be entitled to a prompt hearing in which Plaintiff shall be required to show why the attachment or garnishment should not be vacated or other relief granted;

SIGNED at Newport News, Virginia this 24 day of May 2018.


Robert C. Doumar
United States District Judge
UNITED STATES DISTRICT COURT JUDGE

Presented by:
DAVEY | BROGAN, P.C.


Patrick M. Brogan, Esq. (VSB No. 25568)
Daniel T. Stillman, Esq. (VSB No. 88774)
Counsel for Plaintiff